

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DANIEL GREENE,

Plaintiff,

V.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Case No. 11-5551 BHS-KLS

REPORT AND RECOMMENDATION

MICHAEL J. ASTRUE, Commissioner of
Social Security,

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF #18). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), for further proceedings.

This Court recommends that on remand:

- The ALJ will conduct a new hearing, further develop the record and issue a new decision;
- The ALJ will accept Plaintiff's seizure calendar into the record and specifically mark it as an exhibit;
- The ALJ will re-evaluate and further develop the medical evidence or record;
- The ALJ will re-evaluate step two and step three of the sequential evaluation process;
- The ALJ will re-evaluate Plaintiff's credibility;

- The ALJ will re-evaluate Plaintiff's RFC;
- The ALJ will re-evaluate steps four and five of the sequential evaluation process with the assistance of a vocational expert, if necessary.

The parties agree that reasonable attorney fees should be awarded, upon proper application, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

Given the fact of the parties' stipulation, the Court recommends that the District Judge immediately approve this Report and Recommendation and order the case **REVERSED** and **REMANDED**. A proposed order accompanies this Report and Recommendation.

DATED this 12th day of December, 2011.

Keen L. Stromberg

Karen L. Strombom
United States Magistrate Judge